

**MINUTES OF THE MEETING OF THE
ROWAN COUNTY BOARD OF COMMISSIONERS**

September 7, 2010 – 4:00 PM

J. NEWTON COHEN, SR. ROOM

J. NEWTON COHEN, SR. ROWAN COUNTY ADMINISTRATION BUILDING
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Present: Carl Ford, Chairman
Chad Mitchell, Vice-Chairman
Jon Barber, Member
Raymond Coltrain, Member
Tina Hall, Member

County Manager Gary Page, Clerk to the Board Carolyn Athey, County Attorney Jay Dees and Finance Director Leslie Heidrick were present.

Chairman Ford convened the meeting at 4:00 pm.

Chairman Ford provided the Invocation and also led the Pledge of Allegiance.

Chairman Ford said the County had received a Certificate of Achievement and plaque as the highest recognition of governmental accounting and financial reporting from the Governmental Finance Officers Association. Chairman Ford presented the plaque to Finance Director Leslie Heidrick and he thanked the Board, County Manager and Ms. Heidrick for attaining the accomplishment.

CONSIDER APPROVAL OF THE MINUTES

Commissioner Barber moved, Commissioner Mitchell seconded and the vote to approve the minutes of the August 16, 2010 Commission Meeting passed unanimously.

CONSIDER ADDITIONS TO THE AGENDA

There were no additions to the agenda.

CONSIDER DELETIONS FROM THE AGENDA

Commissioner Coltrain requested that Consent Agenda items A and H be moved to the regular agenda for discussion.

Chairman Ford moved the items in the order of discussion to agenda #10c and #10d respectively.

CONSIDER APPROVAL OF THE AGENDA

Commissioner Mitchell moved, Commissioner Barber seconded and the vote to approve the agenda passed unanimously.

1. CONSIDER APPROVAL OF CONSENT AGENDA

Commissioner Mitchell moved approval of the Consent Agenda as amended. The motion was seconded by Commissioner Hall and passed unanimously.

The Consent Agenda consisted of the following:

- A. Letter of Support for House Bill 1659 (Eminent Domain – Constitutional Amendment) (moved to agenda item #10c)
- B. Set Quasi-Judicial Public Hearing for September 20, 2010 for PCUR 02-09 (Amendment)
- C. Set Quasi-Judicial Public Hearing for September 20, 2010 for CUP 04-10
- D. Set Public Hearing for September 20, 2010 for ZTA 01-10
- E. Set Public Hearing for October 4, 2010 for STA 01-10
- F. Set Public Hearing for September 20, 2010 for Proposed Address Change for 6735 Beaver Road
- G. Set Public Hearing for October 4, 2010 for Proposed Road Name of Deer Hollow Lane
- H. Set Public Hearing for Farmland Preservation Text Amendments (moved to agenda item #10d)
- I. Proclamation for Patriot Day – A Day of Remembrance for September 11, 2001

The Proclamation read as follows:

WHEREAS, on Tuesday September 11, 2001, terrorists attacked the United States of America in a series of senseless, cowardly, and despicable acts of war, directed at innocent men, women and children in the World Trade Center complex in New York City, the Pentagon in Washington D.C. and on board four passenger jets, resulting in the tragic loss of life of thousands of U.S. citizens and foreign nationals and;

WHEREAS, in the aftermath of the attacks, the people of the United States stood united in providing support for those in need, inspired by the heroic sacrifices of our firefighters, rescue and law enforcement personnel, military service members, and other citizens and;

WHEREAS, September 11th should not only be remembered as a day of great tragedy but also as a day of triumph, courage, kindness, love, hope and freedom, and as a reminder of the newfound unity, focus and strength in our Nation.

WHEREAS, by U.S. House Joint Resolution 71 signed into law on December 18, 2001 (Public Law 107-89), Congress authorized and requested the President to designate September 11th of each year as "Patriot Day" and call upon state and local governments to observe Patriot Day by displaying the flag of the United States at halfstaff and by observing a moment of silence at 8:46 a.m. marking the first plane crash and;

NOW, THEREFORE, BE IT PROCLAIMED, that the Rowan County Board of Commissioners does hereby declare September 11, 2010 as *Patriot Day* in Rowan County and encourages all citizens to honor and respect the innocent victims of September 11, 2001 and to salute the heroism of public safety and rescue workers, volunteers, local officials, and those who responded to the tragic events with courage, selfless compassion, determination and undying patriotism.

2. PUBLIC COMMENT PERIOD

Chairman Ford opened the Public Comment Period to entertain comments from any citizens wishing to address the Board. The following individuals came forward:

- Dr. Carol Spalding, President of Rowan Cabarrus Community College (RCCC), expressed appreciation for the Board's previous vote to support a \$12 million bond referendum for the college. Dr. Spalding asked for the Board's continued support of the bond referendum and getting the word out to the citizens.
- Jim Sides discussed the agenda material regarding the stadium lease renewal and said the Board's decision would have long-term consequences for the taxpayers. Mr. Sides felt the issues involving the stadium should be handled separately and the lease should be left as is.
- John Lee Morrison, President of the Fire & Rescue Association (Association) praised the positive changes that had been implemented under the leadership of the newly appointed Sheriff, Kevin Auten. Mr. Morrison also said the Association would work hard to get the bond passed for RCCC.
- Larry Wright encouraged the Board to approve the resolution in support of Arizona Senate Bill 1070.

With no one else wishing to address the Board, Chairman Ford closed the Public Comment Period.

3. QUASI-JUDICIAL HEARING FOR CUP 15-03 (AMENDMENT)

Chairman Ford read the Chairman's Speech (Exhibit A) and declared the public hearing for CUP 15-03 (Amendment) to be in session. Chairman Ford said the hearing would focus on an application submitted by Andrew Abramson on behalf of Jack Phillips, Sr. for property located at 1940 Providence Church Road, Salisbury, NC. The purpose of the request was to amend the existing conditional use permit to allow the existing structure to be used as a single-family residence.

The Clerk swore in those wishing to provide testimony in the case.

Planner Andy Goodall presented the Staff Report (Exhibit B) and explained that the property in question had been subject to numerous zoning ordinance reviews since 1997. Mr. Goodall said Mr. Abramson requested to amend the *CBI-CUD* district originally approved on August 6, 2001 and amended on June 16, 2003

and July 6, 2007 to allow the structure at 1940 Providence Church Road, Tax Parcel 615 007, to be used as a single-family residence for rental purposes. Mr. Goodall said Staff recommended approval of the request to return the structure to its original use.

With no further testimony to be provided, Chairman Ford closed the public hearing.

Commissioner Mitchell moved, Commissioner Barber seconded and the vote to approve the following Finding of Fact (Exhibit C) passed unanimously.

1. The development of the property in accordance with the proposed conditions will not materially endanger the public health or safety.

FACT: The structure has two-hundred thirty (230) feet of frontage along Providence Church Road (from southern property line to Hailey Road) and a gated driveway which previously provided adequate access and site distance for commercial use and should be more than adequate for residential use.

Commissioner Mitchell moved, Commissioner Barber seconded and the vote to approve the following Finding of Fact (Exhibit C) passed unanimously.

2. That the development of the property in accordance with the proposed conditions will not substantially injure the value of adjoining or abutting property, or that the development is a public necessity, and;

FACT: No material evidence was presented suggesting this proposal would injure property values for adjoining lots.

Commissioner Mitchell moved, Commissioner Barber seconded and the vote to approve the following Finding of Fact (Exhibit C) passed unanimously.

3. That the location and character of the development in accordance with proposed conditions will be in general harmony with the area in which it is located and in general conformity with any adopted county plans.

FACT: Zoning in the surrounding area is primarily residential (Rural Agricultural (RA), Residential Suburban (RS), and Manufactured Home Park (MHP).

FACT: The request will return the existing structure (single-story, vinyl-sided modular) back to its original use (residential) which is in character with the surrounding land uses and zoning districts.

Commissioner Mitchell moved approval of CUP 15-03 (Amendment). The motion was seconded by Commissioner Barber and passed unanimously.

4. PUBLIC HEARING REGARDING FINANCING OF SATELLITE JAIL

Finance Director, Leslie Heidrick reported that the Finance Department had requested and received installment financing proposals for construction of the Satellite Jail Facility. Ms. Heidrick said the project cost was estimated at \$6.7 million and the amount to be financed was \$6,270,000. Ms. Heidrick said the difference was in the purchase price of the land, which would be paid as the one-quarter cent sales tax was collected. The term would be for ten (10) years. Five (5) bids were received. Ms. Heidrick said four (4) bids proposed traditional installment financing, while the fifth bid from RBC Bank, proposed an installment financing contract utilizing Build America Bonds (BAB). Under the BAB Program, the County would enter into a taxable transaction with the bank and receive a rebate from the federal government equal to 35 percent of the interest paid on the bonds.

The bids received were as follows:

	<u>Taxable Interest Rate</u>	<u>Tax-Exempt Interest Rate</u>	<u>Effective Interest Rate</u>
RBC Bank (The County would pay interest at the taxable rate of 3.280%, but receive a 35% subsidy from the Federal Government, resulting in an effective interest rate of 2.132%.)	3.280%	N/A	2.132%
Bank of America	N/A	2.540%	2.540%
SunTrust Equipment Finance & Leasing Corp.	N/A	2.540%	2.540%
Branch Banking & Trust Company	N/A	2.830%	2.830%
Fifth Third Bank	N/A	2.840%	2.840%

N/A = not applicable

Ms. Heidrick said after consulting with the County Manager and Bond Counsel, staff recommended the Board accept the bid from RBC Bank, which proposed the lowest effective interest rate of 2.132 percent.

Commissioner Mitchell asked how the reimbursement from the federal government would affect the cash flow. Ms. Heidrick said the County received reimbursement as the interest was paid. Ms. Hedrick explained that the Finance Department would have to complete an IRS form between 90 and 45 days before paying the interest each time (semi-annually). Ms. Heidrick said on the day the

County actually paid the bank the debt service payment, the subsidy would be received in the County's checking account.

Chairman Ford opened the public hearing to receive citizen input regarding the financing of the satellite jail. With no one wishing to address the Board, Chairman Ford closed the public hearing.

Commissioner Barber moved to approve the Resolutions, budget amendment and new escrow account with RBC Bank as requested. Commissioner Coltrain seconded.

Commissioner Mitchell asked if all banks were eligible to do the taxable interest rate versus the tax exempt interest rate. Commissioner Mitchell pointed out the bank itself was making 3.28 percent and the federal government was giving the County the difference and Ms. Heidrick agreed. Ms. Hedrick added that several banks had indicated they would submit both the traditional financing and BAB; however, RBC was the only bank that had done so.

Commissioner Mitchell asked if Ms. Heidrick was confident enough in the program that it would extend the life of the bond issue in order for the County to receive its total money back. Ms. Heidrick said there were concerns with BAB and subsidy; however, in talking to the Local Government Commission, there had been no problems with BAB in North Carolina. Ms. Heidrick said the savings to the County would be approximately \$130,000 over the ten-year period. Ms. Heidrick said Bond Counsel felt BAB was a strong program.

Upon being put to a vote the motion on the floor passed unanimously.

The Resolutions were presented as follows:

RESOLUTION AUTHORIZING THE FILING OF AN
APPLICATION FOR APPROVAL OF A FINANCING AGREEMENT
AUTHORIZED BY NORTH CAROLINA GENERAL STATUTE 160A-20

WHEREAS, Rowan County, North Carolina (the "County") desires to finance the construction of a Satellite Jail (the "Project") over a ten-year term to accommodate the current and projected inmate population while providing a safe working environment for County staff; and

WHEREAS, the County desires to finance the Project by the use of an installment contract authorized under North Carolina General Statute 160A, Article 3, Section 20; and

WHEREAS, findings of fact by this governing body must be presented to enable the North Carolina Local Government Commission to make its findings of fact set forth in North Carolina General Statute 159, Article 8, Section 151 prior to approval of the proposed contract.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the County, meeting in regular session on the 7th day of September, 2010, make the following findings of fact:

- 1) The proposed contract is necessary or expedient because it will alleviate overcrowding at the existing Rowan County Detention Center.
- 2) The proposed contract is preferable to a general obligation bond issue for the same purpose because of low fixed costs and favorable interest rates offered through installment contract financing compared to a general obligation bond issue. The cost of the proposed undertaking is approximately \$6,700,000 and the proposed contract financing of an amount not to exceed \$6,270,000 is in excess of the amount that can be prudently raised from currently available appropriations, unappropriated fund balances and non-voted bonds that could be issued by the County in the current fiscal year pursuant to Article V, Section 4, of the North Carolina Constitution.
- 3) The sums to fall due under the contract are adequate and not excessive for the proposed purpose based upon estimates received from Moseley Architects.
- 4) The County's debt management procedures and policies are good because they are managed in strict compliance with the law, there have been no defaults on debt service payments and the County is well below its legal debt margin.
- 5) The increase in property taxes necessary to meet the sums to fall due under the proposed contract will be zero cents (\$.00) per \$100 valuation.
- 6) The attorney for the County has rendered an opinion that the proposed Project is authorized by law and is a purpose for which public funds may be expended pursuant to the Constitution and laws of North Carolina.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to act on behalf of the County in filing an application with the North Carolina Local Government Commission for approval of the Project and the proposed financing contract and other actions not inconsistent with this Resolution.

This Resolution is effective upon its adoption this 7th day of September, 2010.

The motion to adopt this Resolution was made by Commissioner _____, seconded by Commissioner _____ and passed by a vote of ____ to ____.

RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF AN
INSTALLMENT FINANCING CONTRACT IN AN AMOUNT NOT TO EXCEED \$6,270,000
WITH RBC BANK (USA) TO FINANCE THE CONSTRUCTION OF A SATELLITE JAIL,
AUTHORIZING THE EXECUTION AND DELIVERY OF RELATED INSTRUMENTS,
AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH

BE IT RESOLVED by the governing body for Rowan County, North Carolina (the "County"):

Section 1. The governing body of the County does hereby find and determine:

- a. The County proposes the construction of a Satellite Jail, as more fully described in the hereinafter mentioned Contract (collectively, the "Project");
- b. After consideration, the governing body of the County has determined that the most advantageous manner of financing thereof is by an installment contract

pursuant to Section 160A-20 of the General Statutes of North Carolina, as amended, with the County's obligations under the Contract (hereinafter defined) designated as "qualified bonds" (known as Build America Bonds [Direct Payment]) under Section 54AA(g) of the Internal Revenue Code of 1986, as amended (the "Code");

- c. Pursuant to Section 160A-20, the County is authorized to finance the construction of the Project, by entering into an installment contract and a Deed of Trust or other security instrument that creates a security interest in some or all of the property financed to secure repayment of the financing;
- d. As required by Section 160A-20, on September 7, 2010 the County held a public hearing with respect to the financing of the Project through the Contract, after notice of such hearing was published at least ten (10) days prior to the hearing; and
- e. RBC Bank (USA) ("RBC Bank") has proposed that RBC Bank enter into an Installment Financing Contract with the County to finance the Project pursuant to which RBC Bank will lend the County an amount not to exceed \$6,270,000 (the "Contract") and a related Escrow Agreement between the County and RBC Bank (the "Escrow Agreement"), to be secured by a Deed of Trust and Security Agreement with respect to the Project for the benefit of RBC Bank (the "Deed of Trust").

Section 2. The governing body hereby authorizes and directs Leslie Heidrick, Finance Director, to execute, acknowledge and deliver the Contract, Deed of Trust and Escrow Agreement on behalf of the County in such form and substance as the person executing and delivering such instruments on behalf of the County shall find acceptable. The Clerk is hereby authorized to affix the official seal of the County to the Contract, Deed of Trust and Escrow Agreement and attest the same.

Section 3. The proper officers of the County are authorized and directed to execute and deliver any and all papers, instruments, opinions, certificates, affidavits and other documents and to do or cause to be done any and all other acts and things necessary or proper for carrying out this Resolution, Contract, Deed of Trust and Escrow Agreement.

Section 4. Notwithstanding any provision of the Contract, Deed of Trust or Escrow Agreement, no deficiency judgment may be rendered against the County in any action for breach of a contractual obligation under the Contract, Deed of Trust or Escrow Agreement and the taxing power of the County is not and may not be pledged directly or indirectly to secure any moneys due under the Contract, the security provided under the Contract and the Deed of Trust being the sole security for RBC Bank in such instance.

Section 5. The County covenants that, to the extent permitted by the Constitution and laws of the State of North Carolina, it will comply with the requirements of the Code as required so that the County's obligations under the Contract will meet the requirements to be "qualified bonds" as described under Section 54AA(g) of the Code.

Section 6. This Resolution shall take effect immediately upon its passage.

Upon motion of _____, seconded by _____, members of the governing body, the foregoing Resolution entitled "RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF AN INSTALLMENT FINANCING CONTRACT IN AN AMOUNT NOT TO EXCEED \$6,270,000 WITH RBC BANK (USA) TO FINANCE THE CONSTRUCTION OF A SATELLITE JAIL, AUTHORIZING THE EXECUTION AND DELIVERY OF RELATED INSTRUMENTS, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH" was passed by the following vote:

Ayes: _____

Nays: _____

PASSED AND ADOPTED this 7th day of September, 2010.

5. CONSIDER APPROVAL OF PE 02-10

Senior Planner Shane Stewart presented the staff report regarding the request for a permit to exceed the County's noise standards.

Mr. Stewart said Gary Sims, Jr. was proposing a concert to benefit the Relay for Life to be held at Salem Lutheran Church, 5080 Sherrills Ford Road, Salisbury, NC, on September 18, 2010 from 11:00 am to 5:00 pm. The concert would be open to the public at no cost but would offer concessions with 100% of the proceeds going to the Relay for Life charity.

Mr. Stewart said Staff recommended approval of the request.

The applicant, Mr. Sims, said September 17th would be his 50th birthday and that he would like to celebrate by raising funds for a good cause. Mr. Sims said he would appreciate the Board's approval.

Chairman Ford opened the floor for public input regarding the request. With no one wishing to address the Board, Chairman Ford closed the public hearing.

Commissioner Barber moved, Commissioner Coltrain seconded and the vote to approve PE 02-10 passed unanimously.

6. CONSIDER REQUEST FROM CRANE COVE HOMEOWNERS ASSOCIATION FOR TWO (2) NO WAKE ZONES

Crane Cove Homeowners Association (CCHA) President Michael Greene presented a request from the CCHA for two (2) no wake buoys at the entrances to two (2) coves in the area. Mr. Greene said the coves were narrow and people passed through the coves at high rates of speed.

Commissioner Mitchell asked if the CCHA was prepared to cover the cost and upkeep of the buoys and Mr. Greene said yes.

Commissioner Hall referred to an email the Board had received from a citizen expressing concern pertaining to wakeboarding in the proposed area. The citizen felt it was not a fair situation on the part of the CCHA to establish the no wake zones. Mr. Greene said he had not seen the email; however, he said the coves were no place to tow anything behind a speed boat and the coves were too narrow for wakeboarding.

Commissioner Hall asked if there had been problems with speedboats and Mr. Greene said no, the problems were mainly with jet skis.

Commissioner Barber moved to conduct a local public hearing prior to the adoption of the resolution. Commissioner Coltrain seconded and the motion passed unanimously.

Chairman Ford said the public hearing would be scheduled for September 20, 2010.

7. DISCUSSION/APPROVAL OF RESOLUTION AND BOND ORDER FOR ROWAN-CABARRUS COMMUNITY COLLEGE BONDS

Finance Director Leslie Heidrick said in order for the County to continue taking the necessary steps for the bonds for Rowan Cabarrus Community College (RCCC), there were two (2) steps the Commissioners needed to take. Ms. Hedrick read both items, which were as follows:

(a) Resolution of the Board of Commissioners of Rowan County, North Carolina Directing the Filing Of An Application with the Local Government Commission for Approval of the Issuance of Community College Bonds In An Amount Not To Exceed \$12,000,000 and Certain Related Matters and Making Related Findings.

(b) Bond Order Authorizing the Issuance of \$12,000,000 Community College Bonds of the County of Rowan

Ms. Heidrick explained that adoption of the resolutions kept the Board on track in order for the bonds to be placed on the ballot.

Commissioner Mitchell moved, Commissioner Barber seconded and the vote to approve the Resolution of the Board of Commissioners of Rowan County, North Carolina Directing the Filing Of An Application with the Local Government Commission for Approval of the Issuance of Community College Bonds In An Amount Not To Exceed \$12,000,000 and Certain Related Matters and Making Related Findings passed unanimously.

Commissioner Mitchell moved, Commissioner Barber seconded and the vote to approve the Bond Order Authorizing the Issuance of \$12,000,000 Community College Bonds of the County of Rowan passed unanimously.

The Resolutions were presented as follows:

Resolution of the Board of Commissioners of Rowan County, North Carolina
Directing the Filing of An Application with the Local Government Commission for Approval of the
Issuance of Community College Bonds In An Amount Not To Exceed \$12,000,000 and
Certain Related Matters and Making Related Findings.

WHEREAS, the Board of Commissioners of Rowan County (the "County") intends to authorize the issuance of not to exceed \$12,000,000 Community College Bonds for the purpose of providing funds, together with other available funds, to pay capital costs to provide facilities within the County for the Rowan-Cabarrus Community College, including the construction of walkways,

stairways and elevators to promote campus accessibility and safety, the construction and renovation of buildings for classrooms, laboratories, utilities and office space, the relocation, expansion and improvement of fire training grounds and the acquisition of land or rights-in-land required therefor, and considers it necessary to take certain related actions at this time; NOW, THEREFORE,

BE IT DETERMINED AND RESOLVED by the Board of Commissioners of the County, as follows:

Section 1. The Board hereby finds and determines in connection with authorizing the issuance of the Community College Bonds that (i) the issuance of such Bonds is necessary or expedient for the County, (ii) the principal amount of such Bonds is adequate and not excessive for the proposed purpose of the Bonds, (iii) the County's debt management procedure and policies are good and are managed in strict compliance with law, (iv) the increase in taxes, estimated to be 1.25 cents on the Rowan County ad valorem tax rate, necessary to service the Bonds will not be excessive and (v) such Bonds can be marketed at reasonable rates of interest.

Section 2. The law firm of Dewey & LeBoeuf LLP is hereby confirmed as bond counsel of the County in connection with the authorization and issuance of the Community College Bonds.

Section 3. The Chairman of the Board of Commissioners, the County Manager and the Finance Officer are hereby designated as representatives of the County to obtain approval of the Community College Bonds from the Local Government Commission of North Carolina and are authorized to take such other actions as may be advisable in connection with authorizing the issuance of such bonds; and all actions heretofore taken by any of such officers or any other officer of the County relating to such matter (including the filing of an application with the Local Government Commission of North Carolina) on behalf of the County are hereby approved, ratified and confirmed.

Section 4. This resolution shall take effect immediately upon its passage.

Bond Order Authorizing the Issuance
of \$12,000,000 Rowan-Cabarrus Community College Bonds

The Bond Order read as follows:

WHEREAS, the Board of Commissioners of the County of Rowan has received and considered a resolution from the Rowan-Cabarrus Community College Board of Trustees including a request that the Board of Commissioners provide additional community college facilities and improve existing community college facilities in the County; and

WHEREAS, the Board of Commissioners of the County of Rowan deems it advisable to make the improvements hereinafter described; and

WHEREAS, the Board has caused to be filed with the Secretary of the Local Government Commission of North Carolina an application for Commission approval of the bonds hereinafter

described as required by The Local Government Finance Act, and the Secretary of the Local Government Commission has notified the Board that the application has been filed and accepted for submission to the Local Government Commission; NOW, THEREFORE, BE IT ORDERED by the Board of Commissioners of the County of Rowan, as follows:

Section 1. The Board of Commissioners of the County of Rowan has ascertained and hereby determines that it is necessary to provide facilities within the County for the Rowan-Cabarrus Community College, including the construction of walkways, stairways and elevators to promote campus accessibility and safety, the construction and renovation of buildings for classrooms, laboratories, utilities and office space, the relocation, expansion and improvement of fire training grounds and the acquisition of land or rights-in-land required therefor, and to pay capital costs of such improvements.

Section 2. In order to raise the money required to pay capital costs of providing the improvements as set forth above, in addition to any funds which may be made available for such purpose from any other sources, bonds of the County of Rowan are hereby authorized and shall be issued pursuant to The Local Government Finance Act of North Carolina. The maximum aggregate principal amount of said bonds authorized by this bond order shall be \$12,000,000.

Section 3. A tax sufficient to pay the principal of and interest on said bonds when due shall be annually levied and collected.

Section 4. A sworn statement of the County's debt has been filed with the Clerk to the Board of Commissioners and is open to public inspection.

Section 5. This bond order shall take effect when approved by the voters of the County at a referendum.

_____ moved the adoption of the following resolution:

WHEREAS, the bond order entitled "BOND ORDER AUTHORIZING THE ISSUANCE OF \$12,000,000 COMMUNITY COLLEGE BONDS OF THE COUNTY OF ROWAN" has been introduced at the meeting of the Board of Commissioners held on September 7, 2010 and the Board desires to provide for the holding of a public hearing thereon and the submission of a statement of debt in connection therewith as required by The Local Government Bond Act; NOW, THEREFORE,

BE IT RESOLVED by the Board of Commissioners of the County of Rowan, as follows:

(1) The public hearing upon said bond order shall be held on the 20th day of September, 2010, at 7:00 o'clock, P.M., in the J. Newton Cohen, Sr. Room located on the second floor of the J. Newton Cohen Sr. Rowan County Administration Building, 130 West Innes Street, Salisbury, North Carolina.

(2) The Clerk to the Board of Commissioners is hereby directed to cause a copy of the bond order to be published with a notice of such hearing in the form prescribed by law in a qualified newspaper no fewer than six days prior to the public hearing.

(3) The County's Finance Officer is hereby directed to file with the Clerk to the Board of Commissioners, prior to publication of the bond order with the notice of such public hearing, a statement setting forth the debt incurred or to be incurred, the assessed value of property subject to taxation by the County and the net debt of the County.

8. CONSIDER APPROVAL FOR PARKS DEPARTMENT TO SEEK GRANTS/DONATIONS FOR MINIATURE GOLF RENOVATIONS AT DAN NICHOLAS PARK

County Manager, Gary Page said the Rowan County Parks and Recreation Commission was requesting to apply for grants and to discuss with private donors for funds for the miniature golf course at Dan Nicholas Park. Mr. Page said the Federal Government enacted new ADA compliance regulations effective July 23, 2010 and that the miniature golf course must be ADA compliant by January 23, 2012. Mr. Page said the Parks and Recreation Commission was not asking for matching funds from the County.

Commissioner Coltrain moved approval of the request to seek the grants. Commissioner Barber seconded the motion.

Commissioner Mitchell asked if there were specific grants the Parks Staff was considering or if the Commissioners would be granting blanket approval to seek whatever funds were available. Mr. Page responded the Board would be granting blanket approval.

Commissioner Mitchell said he was okay with the Parks Staff seeking grants and from his perspective, it did not mean the Board was willing to commit a match. Mr. Page said the Parks Director had been informed the County would not provide matching funds.

In response to a query from Commissioner Hall, Finance Director Leslie Heidrick estimated that Parks had approximately \$20,000 that had been donated to match grants. Ms. Heidrick said there were other monies that had been donated for other specific projects. Ms. Heidrick said if Parks staff received grants, donors would be sought for matching funds.

Commissioner Hall felt the motion should specifically state the Board was not interested in providing matching monies.

Commissioner Barber asked Commissioner Hall if she would accept an amendment to Commissioner Coltrain's motion, basically stating the Commissioners approved the Parks Board seeking grants and discussing with private donors, as long as matching monies were not required. Commissioner Coltrain said he had no objection to the amendment; however, he felt it was unnecessary since the request clearly stated the intentions. Commissioner Coltrain said he would amend the motion.

Upon being put to a vote, the amended motion passed unanimously.

9. DISCUSSION/VOTE REGARDING STADIUM LEASE RENEWAL

County Manager Gary Page prefaced the stadium lease discussion by saying the Board had asked him to meet with the City of Kannapolis (City) to try and resolve the stadium ownership issue. Mr. Page said resolving the ownership was pretty clear when the County had paid in 75% and the City had put in 25%. Mr. Page also felt ownership would be clear in a court of law.

Mr. Page said he felt the Board had hired him to provide the Board with options. Mr. Page said the problems with the stadium had existed since 1995. Mr. Page said in order to solidify the stadium's value he needed to determine how long the team planned to stay since a stadium with no baseball team was not a solution.

Mr. Page said he had met with all parties (City and team) so that he could make a recommendation to the Board and hopefully resolve ownership without going to court and incurring legal fees.

Mr. Page said one (1) option was to leave the current lease as is. Mr. Page said if the team chose to exercise its option to remain on September 30, 2010, the County would send a letter to the City and claim 75% ownership. Another option was to sell the stadium. Mr. Page explained that while the County had invested approximately \$6 million in the stadium during the past fifteen (15) years, no major repairs had been made and the stadium was probably worth \$3 million. Mr. Page said he was uncertain of the market for a stadium in the current economy.

Mr. Page said he had proposed terms in the narrative in the agenda packets to develop a lease that would be a win for all parties and avoid going to court. Mr. Page said the proposal gave the team the opportunity to be successful and avoided the County ending up with a stadium and no team. Mr. Page said if the current team left, the County would be faced with fifteen (15) years worth of repairs and trying to attract a new team.

Mr. Page said the proposal basically gave the Board the opportunity to resolve the ownership issue without going to court, make the team successful and allow the stadium to enhance the quality of life. Mr. Page said the County would no longer have to put money into the stadium.

Chairman Ford referred to page 18 of the 2005 minutes concerning naming rights and said he wanted the agreement to stay intact. Chairman Ford also said he would like for the contract to continue for five (5) years. Chairman Ford said Kannapolis should put \$25,000 into the Sports Authority Fund and not buy into equity.

Commissioner Mitchell said he would like to sell the naming rights and create a schedule of anticipated repairs to be paid from those naming rights receipts. Commissioner Mitchell said this would relieve the County of capital expenses at the stadium. Commissioner Mitchell said he would also rather have a 5-year lease with an option for a 5-year renewal. Commissioner Mitchell said the extension could possibly be automatic unless one of the parties protested. Commissioner Mitchell said he was okay with the naming rights as long as funds went towards repairs for the stadium and as long as someone was not going to get a million dollar deal and cash out of it. Commissioner Mitchell requested confirmation that Fieldcrest Cannon paid \$300,000 for their naming rights.

Mr. Page said he understood the deal occurred in 2003 for \$300,000. Chairman Ford added that the Fieldcrest and Cannon names were still being placed on products and someone was still benefitting even though the company was gone.

Commissioner Mitchell felt the Board's options were to close the park, which would include costs associated with maintenance; market the property; turn the stadium over to the parks department, which would cost a significant amount of money; or, approve a new lease similar to the one the Manager had negotiated. Commissioner Mitchell restated his preference was to modify the terms and to include a statement in the lease for funds from the naming rights to be used for repairs.

Commissioner Barber said he supported Commissioner Mitchell's comments. Commissioner Barber felt the County Manager's proposed terms gave the Board the opportunity to move forward without having to put more money into the stadium. Commissioner Barber praised the baseball team and said the team's contributions back into the community were phenomenal.

Commissioner Barber said the County needed a document to begin the negotiation process and that he felt there would be further negotiations, primarily with the City. Commissioner Barber anticipated the team would agree to a 5-year lease with an option for a 5-year renewal and given the rights to do the naming and to look for a partner in the naming rights. Commissioner Barber concluded by saying he fully supported the comments by Vice-Chairman Mitchell and "I will support that in the form of a motion".

Commissioner Coltrain seconded the motion.

Commissioner Hall asked for clarification regarding the motion and Chairman Ford responded that Commissioner Barber supported the Vice-Chairman's comments to change the lease to five (5) years and for the money from naming rights to be used for repairs. Commissioner Barber confirmed both were correct.

Commissioner Coltrain also agreed with Commissioners Mitchell and Barber and said the County Attorney should draft the agreement to begin negotiations.

Commissioner Hall referred to a handout from Finance Director Leslie Heidrick and compared various revenue amounts in fiscal years 2008, 2009 and 2010. Commissioner Hall said in previous negotiations the team had essentially walked out on the County indicating it would deal with the City.

Commissioner Hall noted there were years the County had contributed a substantial amount of money for maintenance at the stadium and that the County had finally reimbursed itself from the Sports Authority Fund. Commissioner Hall noted that the City did not help the County during that time. Commissioner Hall said it was at the insistence of former County Commissioner Jim Sides that the reimbursement had occurred.

Commissioner Hall inquired of the County Manager as to the total amount the taxpayers had paid to fund the stadium and Mr. Page responded \$5.1 million. Commissioner Hall said the funding was supposed to have occurred with private donations.

Commissioner Hall felt a 10-year lease was too long. Commissioner Hall felt the City was merely buying back equity. Commissioner Hall said “I think it would be fair for Kannapolis to say it’s high time for us to do our part; \$50,000 with no strings attached”.

Commissioner Hall agreed with Vice-Chairman Mitchell regarding the naming rights. Commissioner Hall pointed out that prior minutes indicate there are two (2) skyboxes – one (1) for the County and one (1) for the City. Commissioner Hall wondered why the skyboxes were not negotiated when the equity agreement was proposed for 75/25. Mr. Page said the opportunity to clear up the matter could occur in the negotiations of the new lease.

Commissioner Hall said discussions of the equity agreement were intertwined with the lease and not supposed to be. Commissioner Hall referred to previous minutes and a statement where Commissioner Barber had stated the issues were separate. Commissioner Hall said intertwining the issues were to Kannapolis’ benefit when the County had “made it go”. Commissioner Hall said the team gave more to the Kannapolis community and appeared to be more closely aligned with Kannapolis.

Commissioner Hall concluded by saying she could support a 5-year lease with \$50,000 and have no strings attached from Kannapolis as to buying back equity. Commissioner Hall said she agreed with Commissioner Mitchell on the naming rights and that she would feel more comfortable having more negotiation on the skyboxes.

Commissioner Mitchell said he would like to see an escalation clause on the team’s lease payments on a yearly basis so that the lease payments increased using the Consumer Price Index (CPI). Commissioner Mitchell said the

escalation clause was not part of the existing motion. Commissioner Mitchell said he was okay in trying to work with no ownership interest increase within the context of the lease.

Commissioner Mitchell offered an amendment to include an escalation clause and to remove the language regarding the increase of ownership interest. Both Commissioners Barber and Coltrain accepted the amendment.

Commissioner Mitchell clarified he was talking about Kannapolis' interest in increasing ownership above the 25%.

Commissioner Hall asked that the motions be read back for clarity.

Chairman Ford said the motion as he understood was with the naming rights going towards repairs and the lease going from 10 years to 5 years. Chairman Ford said the amendment was to include the escalation clause with the City.

Commissioner Coltrain said "No; the escalation agreement was with the baseball team on the lease payments." Commissioner Mitchell confirmed it was from the baseball team.

Commissioner Hall said "to go to repairs."

Mr. Page said, "Right now it is \$25,000. What you are saying is they will give \$25,000 plus 2% next year or whatever the CPI is and so on." Commissioner Mitchell confirmed.

Commissioner Hall said, "Which could be declared null and void by either party" and Commissioner Mitchell confirmed.

The amended motion passed unanimously.

Chairman Ford said, "There was an advisory board as a part of this, I forgot to bring that up and it was never appointed. I would like for us the next month or two to not let this slide and appoint an advisory board for the Sports Authority".

Chairman Ford called for a recess at 5:20 pm.

Chairman Ford reconvened the meeting at 5:30 pm.

10. DISCUSSION/APPROVAL OF THE FOLLOWING RESOLUTIONS:

(a) Resolution Supporting An Increase to the Rowan/Kannapolis Alcoholic Beverage Control Board Membership from Three to Five Members

Commissioner Mitchell recalled that in 2004 the Commissioners had asked for a 5-member ABC Board and for some reason, the request was not approved by the legislature.

Commissioner Mitchell said he was not asking the Board to pass the resolution in the agenda packets but rather he was asking for the Chairman, or his designee, to be given permission to present the resolution to the municipalities for their opinion. Commissioner Mitchell felt if the municipalities wished to have representation, the desire for that representation should come from them.

Commissioner Mitchell explained that he did not want the current resolution passed in order to provide the municipalities with the opportunity to make any changes to the wording.

Commissioner Mitchell sought permission for the Chairman to take the resolution to the Rowan Municipal Association and work with the municipalities to determine their interest in pursuing any changes.

Commissioner Mitchell put the request in the form of a motion. The motion was seconded by Commissioner Barber.

Commissioner Barber said a question had been asked at a recent candidates forum as to what Rowan County Government could do to enhance the relationship with its municipalities. Commissioner Barber said the number one response was to improve communications. Commissioner Barber said in several months there would be a newly elected board and that he felt the new board should take up the issue. Commissioner Barber also stated that there had been talk amongst the aldermen in China Grove of establishing their own ABC Board.

Commissioner Hall agreed that communication with the municipalities was good. Commissioner Hall then highlighted communications, or the lack thereof, that occurred during recent changes to the appointment process for the Rowan/Kannapolis ABC Board. Commissioner Hall stressed good communication was important but that it took both sides. Commissioner Hall agreed with Commissioner Mitchell and said it was an excellent idea to circulate the resolution to the municipalities.

Commissioner Coltrain questioned whether five (5) members were needed on the ABC Board. Commissioner Coltrain said he would also like to receive input from the ABC Board members. Commissioner Coltrain said he had no reason to object to the exploration of the idea while keeping his comments in mind.

Chairman Ford agreed that communication was a two-way street. Chairman Ford said he had also heard from aldermen in China Grove who liked the idea proposed by Commissioner Mitchell. Chairman Ford said China Grove may still consider establishing its own ABC Board.

Upon being put to a vote, the motion on the floor passed unanimously.

The Resolution (which was not approved) was presented as follows:

WHEREAS, The Rowan/Kannapolis ABC Board is a statutory agency consisting of three members appointed for three-year terms; and

WHEREAS, one member is appointed by each of the following bodies: Rowan County Board of Commissioners, Kannapolis City Council and Salisbury City Council; and

WHEREAS, the ABC Board has the power and authority to adopt rules and regulations governing the operation of the Rowan/Kannapolis ABC System, along with many other powers as defined in the ABC laws of North Carolina.

NOW, THEREFORE BE IT RESOLVED, that in order to better serve the public interest, the Rowan County Board of Commissioners supports increasing the Rowan/Kannapolis Alcoholic Beverage Control Board membership from three to five members as follows: two members appointed by the Rowan County Board of Commissioners, one member appointed by the Kannapolis City Council, one member appointed by the Salisbury City Council, and one member appointed on a rotating basis in the following order by the remaining eight Rowan County Municipalities: Town of China Grove, Town of Cleveland, Town of East Spencer, Town of Faith, Town of Granite Quarry, Town of Landis, Town of Rockwell and Town of Spencer.

BE IT FURTHER RESOLVED that the Rowan County Board of Commissioners requests the support of its legislative delegation for introduction of a bill to amend Section 4 of S.L. 2004-92 to increase the size of the Rowan/Kannapolis Alcoholic Beverage Control Board membership and to modify the manner in which members are appointed.

(b) Resolution in Support of Arizona Senate Bill 1070

Commissioner Barber moved approval of the resolution in support of the State of Arizona Senate Bill 1070. The motion was seconded by Commissioner Coltrain.

Commissioner Coltrain said the country's immigration system needed an overhaul and that he wished the federal government would work towards resolving the issue so state and local governments would not have to.

Commissioner Mitchell said one of the federal government's fundamental duties was to control immigration and it was not doing so. Commissioner Mitchell expressed hope that the Arizona Senate Bill would prompt the federal government to action in regards to addressing the immigration issue and how it affected the states.

Commissioner Barber discussed his personal travel experiences and how he had to carry a card in other countries in order to be able to live/work those countries. Commissioner Barber felt it should be the same for those traveling into the United States.

Commissioner Hall said the safety and security of citizens were first and foremost and that she applauded the State of Arizona for taking a stance.

Chairman Ford said other counties in North Carolina had already passed similar resolutions as a mirror of existing law that was not being enforced.

Upon being put to a vote, the motion on the floor passed unanimously.

The Resolution read as follows:

WHEREAS, on April 23, 2010, the Governor of Arizona signed Senate Bill 1070 into law, which creates sweeping changes into how that State handles immigration within its boundaries; and

WHEREAS, the intent of Senate Bill 1070 is to allow local enforcement of federal immigration laws, and to protect the civil rights of our citizens and legal residents; and

WHEREAS, the safety and security of our citizens are first and foremost the responsibility of our government, in whatever capacity and at all levels, to protect our citizens from those persons gaining illegal entry into our great country; and

WHEREAS, little progress has been made nationally to curtail illegal aliens from entering into the United States.

NOW, THEREFORE, BE IT RESOLVED that the Rowan County Board of Commissioners fully supports the State of Arizona's Senate Bill 1070 and applauds it for taking action on a grossly overlooked issue that continues to create monumental problems and financial burdens for all legal residents of the United States of America.

BE IT FURTHER RESOLVED that the Rowan County Board of Commissioners invites the other counties and the North Carolina Association of County Commissioners to join it in supporting Arizona Senate Bill 1070 by sending a resolution of support to the North Carolina General Assembly.

BE IT FURTHER RESOLVED that the Rowan County Board of Commissioners requests and supports the creation and adoption by the North Carolina General Assembly of a bill identical to Arizona Senate Bill 1070.

10c. Letter of Support for House Bill 1659 (Eminent Domain – Constitutional Amendment) (moved from Consent Agenda item A)

Commissioner Coltrain said the Board had discussed the issue of eminent domain in the spring and that eminent domain could not be used for economic development. Therefore, he did not see the need for the proposed letter in the agenda packets.

Commissioner Hall said the statutes could change and Chairman Ford agreed there had been some discussion concerning changes.

Commissioner Hall moved approval of the letter. The motion was seconded by Commissioner Mitchell.

Commissioner Barber said he did not want eminent domain to occur without the property owner's consent.

The motion passed 4-1 with Commissioner Coltrain dissenting.

**10d. Set Public Hearing for Farmland Preservation Text Amendments
(moved from Consent Agenda item H)**

Commissioner Coltrain said the proposed text amendments had been developed by the Agricultural (Ag) Advisory Board. Commissioner Coltrain referred to an email of August 29, 2010 in which the Ag Board requested an opportunity to review the text changes before the Board of Commissioners received the information. Commissioner Coltrain explained that the request was due to changes in North Carolina General Statutes. Commissioner Coltrain felt the Ag Board should be allowed to fulfill responsibility and develop the proposed additions to the Farmland Preservation Ordinance. Commissioner Coltrain said the Ag Board was the only board knowledgeable enough to review the changes and that he did not want to give one advisory board authority or oversight over another advisory board.

Commissioner Coltrain made a motion to give the text amendments back to the Agricultural Advisory Board to incorporate new information and bring the changes back to the Board of Commissioners for review for additions to the ordinance. The motion was seconded by Commissioner Barber. Commissioner Barber said he would like to see the text go back to the Ag Board for any suggested changes and for the Commissioners to then hold the public hearing.

Chairman Ford said he could not support the motion as is. Chairman Ford said the Ag Board worked on the proposed text for over a year and a half. Chairman Ford said the Planning Board also held several meetings on the issue. Chairman Ford said he had no problem allowing the Ag Board to review the text and to then send the text to the Planning Board.

Commissioner Coltrain said he had a problem with the suggestion as it gave the Planning Board oversight over another advisory board. Commissioner Coltrain said new information from state guidelines had been received, which the Ag Board did not have last spring when it had developed the final proposed document.

Commissioner Hall said the work had made its way through the process and the Ag Board had made its presentation. Commissioner Hall said the Commissioners had determined the process to be followed and there had been the opportunity for public comment along the way.

Commissioner Coltrain said he respectfully disagreed with Commissioner Hall.

Commissioner Mitchell inquired if he correctly understood that if the Board was to set the public hearing and make a decision, neither document would be up to date. Commissioner Coltrain said some of the information would be included but it was not interpreted by the Ag Board to include the farmers. Commissioner Coltrain said it was a voluntary program.

Chairman Ford said the Planning Board's recommendations did include the changes from the state.

Commissioner Mitchell moved to amend the motion to allow the Planning Board to review the Ag Board's reviews. Commissioner Coltrain said he did not accept the amendment. Chairman Ford seconded the amendment. The amendment passed 3-2 with Commissioners Barber and Coltrain dissenting.

Chairman Ford called for a vote on the main motion on the floor which passed 3-2 with Commissioners Barber and Coltrain dissenting.

Commissioner Mitchell clarified both documents would come back to the Commissioners.

11. CONSIDER ADOPTION OF CODE OF ETHICS

Chairman Ford explained the North Carolina General Assembly had amended North Carolina General Statute § 160A-83 which states local governing boards "shall adopt a resolution or policy containing a code of ethics to guide actions by the governing board members in the performance of the member's official duties as a member of that governing board." Chairman Ford said the statute also dictated that the resolution or policy shall be adopted by January 1, 2011.

Commissioner Barber moved approval of the Code of Ethics (Code) as presented. Commissioner Coltrain seconded the motion.

Commissioner Mitchell said the Code mirrored the Board's current Code of Conduct, which was adopted in 2000. Commissioner Mitchell pointed out there were optional sections the Board should consider.

Commissioner Mitchell referred to page three and said there were two (2) options listed under Section 1. Commissioner Mitchell said he supported the second of the two (2) options. Commissioner Mitchell moved to add the option to the main motion and Commissioner Barber accepted.

Commissioner Mitchell moved to add the optional section on censure of board members listed on pages 6 and 7. Commissioner Barber accepted the addition.

Commissioner Hall inquired if Commissioner Mitchell was supporting the word “shall” or “may”.

Commissioner Mitchell said he was okay with the word “may” and Commissioner Barber accepted the wording.

Commissioner Mitchell said there was “no teeth” to the censoring; however, it was the backbone of the Code of Conduct previously adopted.

Commissioner Hall asked Clerk to the Board Carolyn Athey if the Commissioners had ever censored a board member and Ms. Athey responded no.

Upon being put to a vote, the motion on the floor passed unanimously.

12. DISCUSSION/VOTE REGARDING NCACC LEGISLATIVE GOALS

Chairman Ford said the Board previously discussed a request from the North Carolina Association of County Commissioner (NCACC) for input as to what counties considered as legislative priorities. Chairman Ford reviewed the legislative proposals received as:

- Chairman Ford –
 - (a) Annexation
 - (b) Eminent Domain
 - (c) Information on all Bills regarding Rowan County to be received as soon as possible
 - (d) Detailed information on state budget items concerning counties to be received in advance
- Vice-Chairman Mitchell –
 - (a) Stop Using Lottery Funds
- Commissioner Barber –
 - (a) Forced Annexation
 - (b) Eminent Domain

Commissioner Mitchell moved to accept all five items non-duplicated. The motion was seconded by Commissioner Hall and passed unanimously.

13. CONSIDER OFFER TO PURCHASE POST OFFICE BUILDING LOCATED AT 110 WEST INNES STREET

County Manager Gary Page said an offer had been received in the amount of \$50,000 to purchase the Post Office Building located at 110 W. Innes Street. Mr. Page said the offer was for a cash sale with the building “as is”. Mr. Page said the buyers were proposing a full, historic renovation for the building.

Mr. Page stated the property was identified as Map 010-2 Parcel 473 with a land value of \$58,800 and a building value of \$29,138 for a total of \$87,938. Mr. Page said the second and third floors were in poor condition.

Mr. Page said if the Board agreed to accept the offer, it would need to terminate the current contract with the United States Postal Service (USPS). Mr. Page felt that based on what the County would have to spend to update the building, the Board should consider the offer. Mr. Page said due to recent consolidation efforts by the USPS, the County would end up with a vacant building and lose the \$14,100 in rent.

Commissioner Barber asked if the County Manager was suggesting waiving the remaining \$14,000 of the annual lease and Mr. Page said the remainder of the lease could be negotiated.

Commissioner Barber asked if the Board needed to take action and Chairman Ford said the County Manager and the County Attorney would work out the lease. Mr. Page said the Board could work out the lease details or accept the offer with the buyer understanding there would be a tenant in the building.

Commissioner Barber moved to accept the offer on Parcel 473, the Old Post Office building, and to begin the upset bid process.

Commissioner Barber said he had received two (2) calls from individuals stating they did not have the opportunity to bid on the building. Commissioner Barber said he wanted to make it clear that the upset bid process would just be starting.

Commissioner Mitchell pointed out that the property had been declared surplus since May 2009.

Commissioner Coltrain seconded the motion.

In response to Commissioner Hall, Mr. Page responded the property had been declared surplus approximately 18 months ago and had not been actively marketed due to the existing lease.

Commissioner Barber said Downtown Salisbury, Inc. (DSI) had taken clients through the building and that he heard it would cost approximately \$200,000 to "fix it up".

Commissioner Coltrain confirmed DSI had been marketing the property.

Commissioner Hall asked if the property had been on the website and Mr. Page said he did not know if the building had been listed with other surplus properties on the website.

Commissioner Hall said the property should be advertised on the website in order to allow the public a chance to bid.

Mr. Page said there would be a notice in the paper informing the citizens of the upset bid process.

Commissioner Hall asked how the individual(s) who made the offer found out about the building.

Mr. Page responded that Randy Hemann, Executive Director of DSI, helped to market the building. Mr. Page said the best route was to sell to someone who wanted to fix the building.

Commissioner Hall asked if the USPS wanted to exit the lease early and Mr. Page confirmed the USPS wanted to exit as soon as possible.

County Attorney Jay Dees said it would be beneficial to clear up the existing lease before entering a transaction to sell the building. Mr. Dees said there were two (2) options, which were for the County to sell the building subject to the lease and let the new owner deal with the lease; or, the County could settle the lease and sell it free and clear of any encumbrances.

Commissioner Hall said it would be to the County's advantage to settle the lease before going into any contract.

Commissioner Coltrain asked if it was okay to move forward with the upset bid process and Mr. Dees said yes. Mr. Dees said he would work with the Clerk to the Board on the language for the notice.

Commissioner Hall said she would like the property advertised on the website.

Upon being put to a vote, the motion on the floor passed unanimously.

14. CONSIDER APPROVAL OF BUDGET AMENDMENTS

Finance Director Leslie Heidrick presented the following budget amendments for the Board's consideration:

- Finance – To recognize reserved funds from FY2010 for Cooperative Extension - \$63,293
- Finance – To recognize reserved funds from FY2010 for EMS - \$5,029
- Finance – To recognize reserved funds from FY2010 for the Health Department - \$18,790
- Health Department – To move approved Medicaid Escrow Funds to appropriate expense account needed for FY 10-11 - \$6,070
- Finance – To recognize reserved funds from FY 2010 for the Library - \$32,267

- Finance – To recognize reserved funds from FY 2010 for Parks - \$67,876
- Finance – To recognize reserved funds from FY 2010 for Senior Services - \$ 12,362
- Finance – To carry forward reserve funds from the High Rock Assessment Grant and NC Ag Conservation Easement Grant from FY 10 - \$4,050
- Finance – To recognize reserved funds from FY2010 for the Sheriff's Department - \$593,233
- Finance - To recognize reserved funds from FY 2010 for DSS - \$151,562
- Social Services – Increase line items for administration of the Crisis Intervention Program and Low Income Energy Assistance, based on the funding authorization received - \$32,497

Commissioner Coltrain moved approval of the budget amendments as presented. The motion was seconded by Commissioner Mitchell and passed unanimously.

14. CONSIDER APPROVAL OF BOARD APPOINTMENTS **ROWAN COUNTY HOUSING AUTHORITY**

During regular session on August 16, 2010, the Board voted to re-advertise for the vacancy on this board. One (1) application has been received from Karl Eric Beaver, who is seeking reappointment for a 6th term.

The term would be for five (5) years beginning September 1, 2010, expiring August 31, 2015.

Commissioner Mitchell moved to waive the term limits established in the Resolution and approved by the Board in September 2009. The motion was seconded by Commissioner Barber and passed unanimously.

Commissioner Mitchell nominated Mr. Beaver and the nomination passed unanimously.

ROWAN COUNTY TOURISM DEVELOPMENT AUTHORITY

Dan Peters (At Large) completed his allowable number of terms. The following applications were received:

- Krista Osterweil
- J. Wesley Thompson
- Darrell Blackwelder

The term would be for two (2) years beginning September 1, 2010 and expiring August 31, 2012.

Commissioner Barber nominated Wesley Thompson.

Commissioner Coltrain nominated Darrell Blackwelder.

Commissioner Hall nominated Krista Osterweil.

The votes for the nominations were as follows:

Krista Osterweil was supported by Commissioner Hall.

Wesley Thompson was supported by Commissioners Barber, Mitchell and Hall.

Darrell Blackwelder was supported by Commissioners Coltrain and Ford.

Wesley Thompson was therefore appointed by majority vote.

CLEVELAND COMMUNITY VFD FIRE COMMISSIONERS

The Cleveland Community VFD requested the appointment of three (3) Fire Commissioners and submitted the following applications for consideration:

- Patrick Phifer (reappointment for a 2nd term)
- Jennings Nelson (reappointment for a 2nd term)
- James Greene

(Attendance records for these reappointments are not provided due to the unusual meeting schedule of Fire Commission Boards.)

The terms would be for two (2) years beginning October 1, 2010 and expiring September 30, 2012.

Commissioner Barber nominated Patrick Phifer, Jennings Nelson and James Greene.

Commissioner Hall asked the Clerk to the Board if the Volunteer Fire Departments were not required to send more applications for the Board to consider rather than for the actual number of vacancies. Commissioner Hall stressed that the Board preferred to have a choice as to who was appointed rather than for the volunteer fire departments to submit the applicants to be selected. Carolyn Athey, Clerk to the Board, responded that it had been the Board's preference to receive more applications than for the actual number of people to be appointed.

Commissioner Barber said he would like to keep the three (3) nominations.

Commissioner Mitchell said he supported the nominations but would like for the Clerk to the Board to send a letter to the volunteer fire departments reaffirming the Board's request that more applicants are submitted than the number to be nominated. Commissioner Mitchell pointed out that the fire department might not have had any other volunteers.

Chairman Ford agreed with Commissioner Mitchell's suggestion.

Upon being put to a vote, the nomination on the floor passed unanimously.

EAST GOLD HILL VFD FIRE COMMISSIONERS

The East Gold Hill VFD requested the appointment of two (2) Fire Commissioners and submitted the following applications for consideration:

- Wayne Fowler (reappointment for a 2nd term)
- Roger Goforth
- Allen Drew

(Attendance records for these reappointments are not provided due to the unusual meeting schedule of Fire Commission Boards.)

The terms would be for two (2) years beginning August 1, 2010 and expiring July 31, 2012.

Commissioner Barber nominated Wayne Fowler and the nomination passed unanimously.

Commissioner Coltrain nominated Roger Goforth and the nomination carried unanimously.

HISTORIC LANDMARKS COMMISSION

Sally Murphy has completed her allowable number of terms. Lee Withers submitted an application for consideration. The term would be for three (3) years beginning September 1, 2010 and expiring December 31, 2013.

Commissioner Coltrain nominated Mr. Withers and the nomination passed unanimously.

ROWAN TRANSIT SYSTEM ADVISORY COMMITTEE

Lee Withers submitted an application for appointment as a Town Official representative. The term would expire June 30, 2011.

Commissioner Coltrain nominated Lee Withers and the nomination passed unanimously.

15. ADJOURNMENT

There being no further business to come before the Board, Commissioner Barber moved to adjourn at 6:40 pm. The motion was seconded by Commissioner Coltrain and passed unanimously.

Respectfully Submitted,

Carolyn Athey, CMC, NCCCC
Clerk to the Board/Assistant to the County Manager